

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

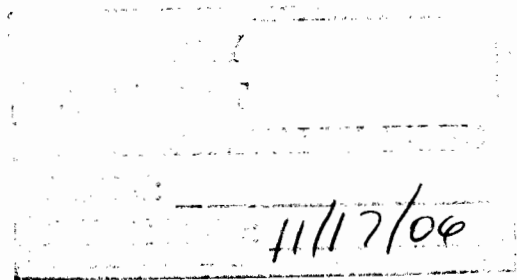
-----X
KRISP-PAK SALES CORP.,

Plaintiff,

-against-

DEMAR FOODSERVICES, INC., et al.,

Defendants.
-----X



05 Civ. 8027 (GEL)

ORDER


GERARD E. LYNCH, District Judge:

On January 26, 2006, plaintiff's counsel advised Court staff by telephone that the parties were settling the case and would submit a stipulation of dismissal. Since that date, counsel for both sides have repeatedly assured Court staff by telephone that the stipulation would be forthcoming shortly. In a letter received in chambers on October 11, 2006, plaintiff's counsel stated that he would report to the Court on or before October 31, 2006. The Court has not received any further correspondence from either side, and plaintiff's counsel did not return a telephone message left by Court staff on November 6, 2006.

In light of the parties' repeated statements that the case is settling, it is hereby ORDERED that this action is dismissed, without prejudice to restoring the action to the Court's calendar, provided the application to restore the action is made within thirty days.

SO ORDERED.

Dated: New York, New York
November 16, 2006


GERARD E. LYNCH
United States District Judge